

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,
Plaintiff, Counter-defendant,
v.
APPLE INC.,
Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

JOINT STATUS REPORT

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to Your Honor's Discovery Standing Order, the Parties in the above-captioned action respectfully submit this joint statement related to the evidentiary hearing concerning Plaintiff Epic Games, Inc.'s ("Epic") Motion to Enforce Injunction (Dkt. 897 (the "Motion")).

Respectfully submitted,

CRAVATH, SWAINE
& MOORE LLP

By: /s/ Yonatan Even
Yonatan Even
Counsel for Epic Games,
Inc.

WEIL, GOTSHAL
& MANGES LLP

By: /s/ Mark A. Perry
Mark A. Perry
Counsel for Apple Inc.

Epic's Position:

Epic writes to update the Court on one point, as follows:

The Special Masters continue their review of Apple's re-reviewed production for claims of privilege. They have roughly 4,492 documents remaining to review as of Tuesday evening. On April 2, 2025, at Epic's request, the Special Masters directed Apple to redistribute the remaining documents evenly between each Special Master to expedite the review. (Email from a Special Master to the Parties on April 2, 2025, 4:20 p.m. EST.) With this redistribution, the Special Masters stated they would "endeavor to complete the review of all remaining documents no later than May 15, 2025". (*Id.*)

At this time, Epic does not believe a status conference before Your Honor is necessary.

Apple's Position:

As of Tuesday evening, the Special Masters have reviewed approximately 19,279 documents and have 4,492 remaining to review. Of the total documents they have reviewed so far, the Special Masters have sustained in full about 94.16% of Apple's privilege assertions, sustained in part about .46% of the assertions, and overruled in full about 4.87% of the assertions. The Special Masters have requested additional information related to about .51% of the documents.

As previously previewed to the Court, some of the Special Masters have reviewed documents more quickly than others. On April 4—upon agreement of the parties and the Special Masters—Apple reallocated all then-unreviewed documents equally among the three Special Masters. This reallocation is expected to speed up the conclusion of the Special Master review. The parties are hopeful the review will be concluded before the end of May.

Apple respectfully submits there are no issues before Your Honor for resolution except the pending objections to certain of the Special Masters' determinations. Apple submits it does not have any items requiring discussion at the status conference, but as always, is prepared to attend should Your Honor have any issues to discuss with the parties.

Respectfully submitted,

DATED: April 17, 2025

CRAVATH, SWAINE & MOORE LLP

By: /s/ Yonatan Even

Counsel for Plaintiff Epic Games, Inc.

WEIL, GOTSHAL & MANGES LLP

By: /s/ Mark A. Perry

Counsel for Defendant Apple Inc.